



# City of Marietta Meeting Minutes CITY COUNCIL

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

**William B. Dunaway, Mayor**  
**Annette Paige Lewis, Ward 1**  
**Griffin "Grif" L. Chalfant, Jr., Ward 2**  
**Holly Marie Walquist, Ward 3**  
**Irvan A. "Van" Pearlberg, Ward 4**  
**Rev. Anthony C. Coleman, Ward 5**  
**James W. King, Ward 6**  
**Philip M. Goldstein, Ward 7**

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**Wednesday, July 9, 2008**

**7:00 PM**

**Council Chamber**

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**Presiding:** William B. Dunaway

**Present:** Philip M. Goldstein, Jim King, Rev. Anthony Coleman, Holly Walquist, Grif Chalfant, Annette Lewis and Van Pearlberg

**Also Present:**

*William F. Bruton, City Manager*

*Douglas R. Haynie, City Attorney*

*Stephanie Guy, City Clerk*

## **CALL TO ORDER:**

*Mayor William B. Dunaway called the meeting to order at 7:03 p.m.*

## **INVOCATION:**

*Council member Grif Chalfant presented a video of the late Red Skelton telling the story of his teacher, Mr. Laswell, who explained the meaning of the Pledge of Allegiance.*

## **PLEDGE OF ALLEGIANCE:**

*Mayor Dunaway asked everyone to stand for the pledge of allegiance.*

## **PRESENTATIONS:**

### **20080789 Swearing In Ceremony**

Swearing in of new officers for the Marietta Police Department  
Heath Edmondson  
Kanika Blackmon  
Robert Fekert

**This matter was Oath Administered.**

### **20080515 Distinguished Service Award - Marcelle David**

Distinguished Service Award presented to Marcelle David for her dedication and service on the Marietta Redevelopment Corporation.

**This matter was Not Present.**

**PROCLAMATIONS:**

**20080808      Lockheed Martin**

Proclamation to recognize Lockheed Martin for being chosen "2008 Georgia Manufacturer of the Year.

**This matter was Presented.**

**20080799      July is Parks and Recreation Month**

Proclamation designating July as "Parks and Recreation" month.

**This matter was Presented.**

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE  
MAYOR, COUNCIL AND/OR CITY MANAGER:**

**CONSENT AGENDA:**

**Consent agenda items are marked by an asterisk (\*).    Consent items are approved by majority of council.    A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).**

**MINUTES:**

- \*      20080769      Regular Meeting - June 11, 2008**  
Review and approval of the June 11, 2008 regular meeting minutes.  
**This Matter was Approved on the Consent Agenda.**  
**Vote:   6 - 1 - 0                                  Approved**  
Vote Against: 1 - Philip M. Goldstein
- \*      20080770      Special Meeting - June 26, 2008**  
Review and approval of the June 26, 2008 regular meeting minutes.  
**This Matter was Approved on the Consent Agenda.**  
**Vote:   7 - 0 - 0                                  Approved**

**MAYOR'S APPOINTMENTS:**

**CITY COUNCIL APPOINTMENTS:**

**\* 20080727 Planning Commission Appointment**

Reappointment of Benjamin Parker to the Marietta Planning Commission (Ward 7) for a term of three years expiring on June 11, 2011.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0** **Approved**

**\* 20080690 Appointment of Additional Associate Judge**

Appointment of Mazi Mazloom as an additional associate judge to the Marietta Municipal Court.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0** **Approved**

\* **20080758 Marietta Board of Lights and Water - Resident Post**

Appointment of Charles "Chuck" George to the Marietta Board of Lights and Water, for a 4-year term expiring August 10, 2012.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0** **Approved**

## ORDINANCES:

**\* 20080759 Code Enforcement - 1277 Banberry Road**

*Ord 7200*

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1277 Banberry Road.

Listed Owner: Mr. Alberto Torres

Certified mail receipt received 06-02-08; unclaimed.

Taxes paid: No, \$1,049.44

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 - 0 - 1** **Approved**

Abstain: 1 - Philip M. Goldstein

\* **20080760**      **Code Enforcement - 420 Cedar Trace**

*Ord 7201*

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 420 Cedar Trace.

Listed Owner: Steven T. Travis

Certified mail receipt returned 06-20-08; undeliverable.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

**This Matter was Approved on the Consent Agenda.****Vote: 6 - 0 - 1****Approved**

Abstain: 1 - Philip M. Goldstein

**\* 20080763 Code Enforcement - 176 Bishop Drive***Ord 7202*

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 176 Bishop Drive.

Listed Owner: Mrs. Ella Ruth Davis

Certified mail receipt received 06-27-08.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED****This Matter was Approved on the Consent Agenda.****Vote: 7 - 0 - 0****Approved****\* 20080765 Code Enforcement - 202 Bishop Drive***Ord 7203*

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 202 Bishop Drive.

Listed Owner: David &amp; Marsha Genin

Certified mail receipt not received as of 06-27-08.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

**This Matter was Approved on the Consent Agenda.****Vote: 6 - 0 - 1****Approved**

Abstain: 1 - Philip M. Goldstein

**\* 20080766 Code Enforcement - 876 Richard Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 876 Richard Street.

Listed Owner: William Sam Key

Actual Owner: Kenneth C. Cook, Jr.

Certified mail receipt received from Actual Owner on 06-25-08.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED****This Matter was Removed.**

\* **20080774 Code Enforcement - 210 Goldie Drive**

*Ord 7204*

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 210 Goldie Drive.

Listed Owner: Bass George D.

Certified mail receipt not received as of 06-27-08.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 - 0 - 1**

**Approved**

Abstain: 1 - Philip M. Goldstein

\* **20080577 Z2008-06 Anthony Jacobs (Walker School) 823 Damar Road**

*Ord 7194*

Z2008-06 [REZONING] ANTHONY JACOBS (WALKER SCHOOL) request rezoning for property located in Land Lot 10180, District 16, Parcel 0100, 2nd Section, Marietta, Cobb County, Georgia and being known as 823 Damar Road from HI (Heavy Industrial) to OI (Office Institutional). Ward 5.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

\* **20080582 Z2008-07 Paul Chastain 907 Church Street Ext.**

*Ord 7195*

Z2008-07 [REZONING] PAUL CHASTAIN request rezoning for property located in Land Lot 10150, District 16, Parcel 0180, 2nd Section, Marietta, Cobb County, Georgia and being known as 907 Church Street Extension from R-2 (Single Family Residential 2 units/acre) to OI (Office Institutional). Ward 4.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

\* **20080807 Denial of Claim**

Denial of claim of Richard Reynolds.

**This Matter was Approved to Deny Claim on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved to Deny Claim**

\* **20080820 Denial of Claim**

Denial of claim of Harvey Q Strother.

**This Matter was Approved to Deny Claim on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved to Deny Claim**

**\* 20080821 Denial of Claim**

Denial of Claim of Trevor and Rebecca Jordan.

**This Matter was Approved to Deny Claim on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved to Deny Claim**

**\* 20080831 Denial of Claim**

Denial of claim of Tanya Delay.

**This Matter was Approved to Deny Claim on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved to Deny Claim**

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

**1. Economic/Community Development: Grif Chalfant, Chairperson**

**\* 20080738 Reallocations FFY'08 CDBG funds**

*Res 1444* Resolution approving the reallocation of FFY'08 CDBG funds to Housing Rehabilitation.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

**\* 20080739 FFY'2009 CDBG Final Statement Projects List and further, Approving, any additional CDBG FFY'2009 funds allocation.**

*Res 1445* Resolution Authorizing the submittal of the City's FFY'2009 CDBG Final Statement Projects List to Cobb County for inclusion in their submittal to the U.S. Department of Housing and Urban Development (HUD); and further, Approving, any additional CDBG FFY'2009 funds the City may receive from actions by Congress be allocated to neighborhood redevelopment/housing rehabilitation.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

**20080816 Marietta Redevelopment Corporation 2008 Work Plan**

Update and Discussion of the Marietta Redevelopment Corporation's 2008 work plan, existing contracts, and existing fundings (as approved).

*Council member Goldstein presented a power point presentation outlining areas of the 2008 Work Plan that the Marietta Redevelopment Corporation has not complied.*

*A motion was made by Council member Walquist, seconded by Council member Chalfant, to extend the current Marietta Fund for Neighborhood and Community Revitalization FY2008 Work Plan until September 10, 2008, unless a new Work Plan has been adopted before September 10, 2008.*

*Discussion was held by members of City Council regarding the motion.*

**A motion was made by Council member Walquist, seconded by Council member Chalfant, that this matter be Approved as Stipulated. The motion carried by the following vote:**

**Vote: 4 - 3 - 0**

**Approved as Stipulated**

Vote Against: 3 - Philip M. Goldstein, Rev. Anthony Coleman and Annette Lewis

## **2. Finance/Investment: Annette Lewis, Chairperson**

### **\* 20080678 Budget Amendment**

*Ord 7196*

Ordinance amending the budget for Police Asset Forfeiture by appropriating an additional \$265,000 into Account #260-4001-521-69-01 (Designated Contingency) to be used to cover past and future expenditures for the rest of this fiscal 2008.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

### **\* 20080742 NLC Annual Leadership Summit**

Motion to approve travel and training expenses for Mayor and Council members who wish to attend the NLC 16th Annual Leadership Summit, September 11-13, 2008 in Welches, Oregon.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

## **3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

### **\* 20080809 CA2008-04 Proposal to Amend the Comprehensive Development Code**

*Ord 7198*

CA2008-04 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta relating to Section 714.02 of the Zoning Ordinance, Sign Permit Requirements.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 - 1 - 0****Approved**

Vote Against: 1 - Van Pearlberg

**\* 20080811 CA2008-05 Amendment to the Comprehensive Development Code***Ord 7199*

CA2008-05 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta relating to Section 712.09, paragraph B, paragraph F(4) and paragraph G(4) of the Zoning Ordinance, Commercial Corridor Design Overlay District

**This Matter was Approved on the Consent Agenda.****Vote: 7 - 0 - 0****Approved****\* 20080701 Marietta Walk Final Plat (Phase I)**

Motion to approve the Final Plat for Marietta Walk (Phase I) as revised and corrected per stipulations from the January 16, 2008 City Council Special Meeting, subject to the final approval of the City Manager and City Attorney.

*Motion to approve the Final Plat for Marietta Walk (Phase I) as revised and corrected per stipulations from the January 16, 2008 City Council Special Meeting, subject to the final approval of the City Manager and City Attorney.*

**This Matter was Approved on the Consent Agenda.****Vote: 7 - 0 - 0****Approved****4. Parks, Recreation and Tourism: Holly Walquist, Chairperson****5. Personnel/Insurance: Van Pearlberg, Chairperson****\* 20080741 Revision to the Personnel Rules and Regulations***Ord 7197*

Ordinance revising Section 4-4-24-080 of the City/BLW Personnel Rules and Regulations, promotional appointment.

**This Matter was Approved on the Consent Agenda.****Vote: 7 - 0 - 0****Approved****6. Public Safety Committee: Anthony Coleman, Chairperson****\* 20080698 Standard Operating Procedures**

Motion approving amendments to the Marietta Police Department Standard Operating Procedures: E030 Special Events; P020 Missing Children; P040 Routine, Urgent, and Emergency Driving; S034 Juvenile Procedures

**This Matter was Approved on the Consent Agenda.****Vote: 7 - 0 - 0****Approved****7. Public Works Committee: Jim King, Chairperson**



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\*      **20080801      731 Whitlock Avenue**

Motion authorizing the partial acquisition of property at 731 Whitlock Avenue from DDR Southeast Whitlock, L.L.C. in exchange for \$10.00 to construct a sidewalk.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

**SCHEDULED APPEARANCES:**

**UNSCHEDULED APPEARANCES:**

**OTHER BUSINESS:**

\*      **20080806      Purchase of Property at 79 N. Fairground St.**

Motion authorizing the total acquisition of property at 79 North Fairground Street owned by Amina Johnson in exchange for \$126,000 for the purposes of constructing Fairground Street road improvements.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 - 1 - 0**

**Approved**

Vote Against: 1 - Van Pearlberg

**20080771      BLW Actions of July 7, 2008**

Review and approval of the July 7, 2008 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

*Council member Goldstein left the dais during the discussion of agenda item 20080771, BLW Actions. Agenda item 20080749 of the BLW Actions relates to property owned by Gary Eubanks.*

*Council member Goldstein submitted a written disclosure stating that one or more of Mr. Eubanks' entities has a short term lease on property Council member Goldstein owns. Therefore, Council member Goldstein will not participate in discussions and would abstain on matters regarding Mr. Eubanks.*

**A motion was made by Council member Walquist, seconded by Council member King, that this matter be Approved. The motion carried by the following vote:**

**Vote: 6 - 0 - 1**

**Approved**

Abstain: 1 - Philip M. Goldstein

*Council member Goldstein returned to the dais.*

**ADJOURNMENT:**

*The meeting was adjourned at 8:19 p.m.*

**Date Approved:** 08/13/08

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**William B. Dunaway, Mayor**

**Attest:** \_\_\_\_\_  
**Stephanie Guy, City Clerk**